

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE
MEDICINE,

Plaintiff,

v.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG
WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

UNOPPOSED MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

Pursuant to Local Rule 7.2 and the Protective Order in this action (Doc. No. 55), Plaintiff Astellas Institute for Regenerative Medicine (“Astellas” or “Plaintiff”) hereby respectfully moves for leave to file under seal various documents in connection with its forthcoming opposition to Defendants’ Motion to Keep Trial Open to Facilitate Witness Testimony.

According to the Protective Order entered in this case, parties may designate technical or commercially sensitive and confidential information as “Confidential” or “Highly Confidential.” Such information may not be disclosed publicly without a court order. (Doc. No. 55, Section V.B). Astellas seeks leave to file the following documents under seal, all of which have been designated as Confidential or Highly Confidential:

- Excerpts from the deposition transcript of Ren-He Xu, dated July 3, 2019;
- Excerpts from the deposition transcript of Ren-He Xu, dated October 1, 2019;
- Excerpts from the deposition transcript of Michael Men, dated July 2, 2019;
- Excerpts from the deposition transcript of Xiaofang Wang, dated June 14, 2019;
- Excerpts from the deposition transcript of Xiaofang Wang, dated July 29, 2019;

- Seven or fewer internal emails or business documents.

In addition, Astellas seeks leave to file under seal portions of its opposition to Defendants' Motion to Keep Trial Open to Facilitate Witness Testimony, and to file redacted versions of the same publicly. The opposition reveals throughout its text the contents of materials that have been designated Confidential or Highly Confidential under the Protective Order.

There is good cause to seal these documents because they contain confidential research and development, scientific, and financial information from both Astellas and Defendants. Exposing these technical and financially-sensitive details to the public would harm the parties' competitive advantage in the marketplace.

Counsel for Astellas has conferred with counsel for Defendants, who indicated that Defendants do not oppose the relief sought herein—namely, to file the aforementioned documents under seal. Defendants are honoring the Protective Order designation (which requires a filing under seal), but are not waiving their rights to challenge the designation as to any excerpt of a document or to a document in its entirety at a later point.

WHEREFORE, Astellas respectfully requests the Court grant this Motion seeking leave to file said documents under seal.

Dated: July 24, 2020

Respectfully submitted,

/s/ David P. Frazier

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for all parties have conferred and Defendants do not oppose this motion.

/s/ David P. Frazier
David P. Frazier

CERTIFICATE OF SERVICE

I hereby certify that this document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent on July 24, 2020 to those identified as non-registered participants.

/s/ David P. Frazier
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